IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 65094-M of 2006

DATE OF DECISION : 11.01.2007

Manjit Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Petitioner Manjit Singh, apprehending his arrest in pursuance of the non-bailable warrants issued in case FIR No. 122 dated 22.7.2004 under Section 18/61/85 of the NDPS Act, registered at Police Station Tapa, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties.

In this case, vide order dated December 13, 2004, passed in Crl. Misc. No. 48197-M of 2004, the petitioner was granted regular bail by this Court. In the FIR, it has been alleged that the petitioner kept 500 grams of opium (non-commercial quantity) in his possession without permit or licence. Counsel contends that after grant of regular bail, the petitioner was regularly appearing before the trial court, but on 26.9.2006, when he was seriously ill, he could not appear and his bail bond and surety bond have been cancelled and forfeited to the State and he has been summoned through non-bailable warrants. Counsel contends that non-appearance of the petitioner on 26.9.2006 was not intentional, but due to his illness.

Counsel for the petitioner contends that in terms of the interim order dated October 24, 2006, the petitioner has appeared before the trial court and furnished his fresh bail bonds, which have been accepted and attested by the trial court and since then, he has been regularly appearing before the trial court. Counsel for the respondent-State, after having instructions from Paramjit singh ASI, does not dispute these facts and the facts stated in the interim order dated October 24, 2006.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated October 24, 2006, is made absolute.

Disposed of accordingly.

January 11, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**